IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2138 OF 2006

Punjab National Bank ... Petitioner

V/s

Shailaja S. Hemdev ... Respondent

Ms. Nipa Singh i/by M/s. Mahesh Menon & Co. for the petitioner.

Mr. S.G. Anuj i/by P.K. Shroff & Co. for the respondent.

CORAM: P.V. KAKADE, J.

DATED: 25TH APRIL, 2006

P.C.:

1. Heard learned counsel for both parties. Perused the record.

2. The petitioner tenant Bank has preferred this petition against the judgment and order dated 22.12.2005 dismissing the appeal and confirming the judgment and order passed by the Trial Court dated 13.2.2003 decreeing the respondent plaintiff's suit for eviction of the present petitioner from the suit premises.

3. After hearing both parties, it is to be noted that the sister petition i.e. Writ Petition No. 2137 of 2006 also being dismissed and disposed of with this petition and reasoning adopted while disposing of the Writ Petition No. 2137 of 2006 is applicable to this petition mutatis-mutandis.

4. In the result, the petition appears to be devoid of merits and stands dismissed with no order as to costs.

5. At this stage, the learned counsel for the petitioner sought some time to vacate the premises. The fact that the petitioner is a nationalized bank, it is obvious that they will require some time to seek alternative premises and, therefore, it is directed that the decree for eviction shall not be executed for the period of six months from the date of this order on the condition that the petitioner shall furnish undertaking of its responsible officer to that effect and on conditions that they will not create third party interest and shall continue to pay the agreed rent during the period of occupancy. The undertaking to be filed within two weeks from the date of this order.

With these directions, the petition stands disposed of with no order as to costs.

6. It is clarified that, in the event the undertaking is not filed within two weeks, the respondent plaintiffs shall be entitled to execute the decree immediately.

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